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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,875	01/20/2004	George Nordstrom	81092030	1874

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EXAMINER

KARLS, SHAY LYNN

ART UNIT	PAPER NUMBER
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1744

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/707,875

Applicant(s)

NORDSTROM ET AL.

Examiner

Shay L. Karls

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 16-20 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-15 is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Hess (USPN 3852923).

With regards to claim 1, Hess teaches a machine tool (drill rod: col. 3, lines 28-29) having a spindle (53) to fit within a housing (pipe 50) that is spaced from the spindle. There is a support plate (18, 19) and a rigid arbor (13) attached to the support plate. The arbor is adapted for attachment to the spindle (figure 2). There is a cleaning member (44-47) disposed on and extending from the support plate.

With regards to claim 5, the cleaning member is disposed along an outside edge of the support plate (figure 1)

With regards to claim 6, the cleaning member is disposed radially about the axis of rotation. The axis of rotation is located about the arbor (13) and the cleaning members extend outwardly from the axis.

With regards to claim 7, the cleaning member is disposed at an angle relative to the support plate. The angle is 0 or 180 degrees.

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With regards to claim 8, there is further a conduit (60) disposed on the support plate. The conduit is connected to a source of pressurized fluid (coolant). There is an aperture (14) for discharging fluid.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 are rejected under 35 U.S.C. 102(b) as being 35 U.S.C. 103(a) as being unpatentable over webpage “#3956-01 Var.-Speed MultiPro® Kit w/Flex-Shaft” herein referred to as “Dremel” in view of Johnson (USPN 621026 1).

Dremel teaches a machine tool comprising a spindle adapted to turn about an axis of rotation. There is a rigid arbor fixedly disposed on a support plate. The arbor is adapted for attachment to the spindle. There is a cleaning member disposed on and extending from the support plate. The cleaning member can be used to contact a surface of the machine tool to remove contaminants since the claim does not state that the cleaning member needs to be connected to the machine tool when contacting the machine tool. The claim states that the cleaning member only needs to be adapted to be attached to the spindle, which it is by means of the arbor. The claim fails to state that when the cleaning member is contacting the machine tool, it must be connected to the spindle. As the claim language currently stands, the cleaning member must be adapted to attach to the spindle and it must be capable of cleaning the machine tool. The claim does not require these two to be occurring at the same time.

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With regards to claim 2, the cleaning member is a plurality of bristles (bristle brushes).

With regards to claim 3, the cleaning member is a flexible wiper (rubber polishing points).

With regards to claim 4, the cleaning member is disposed along an inside edge of the support plate for cleaning an exterior surface of the spindle (since the cleaning member does not need to be attached to the spindle, it can be used to clean the outside of the spindle).

With regards to claim 6, the cleaning member is disposed radially about the axis of rotation.

With regards to claim 7, the cleaning member is disposed at an angle relative to the support plate (the bristles are angled between 0 and 90).

Dremel teaches all the essential elements of the claimed invention however fails to teach that the machine tool comprises a housing spaced apart from the spindle. Johnson teaches a housing that is to surround a portion of the spindle on a machine tool. The housing can be used on the rotational tool known as the DREMEL tool (col. 2, lines 1-3). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to use Johnson's shield on Dremel's tool to maximize protection of an operator yet permit the tool to achieve its intended purpose. The shield would prevent shattered tools or thrown wires from injuring the user (col. 1, lines 15-27). Thus, when the housing is attached to the spindle, the cleaning member could then be used to clean the housing as well as the spindle since the claim does not require the cleaning member to be connected to the spindle when cleaning the machine tool.

Examiner has includes updated pictures of the webpage, labeling the rigid arbor.

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Allowable Subject Matter

Claims 9-15 are allowed.

The following is an examiner's statement of reasons for allowance:

Claim 9 includes the limitations of a fixture comprising a mounting plate and a bearing block. There is a support plate attached to the fixture via the bearing block, with a cleaning member disposed on the plate. The claim states that the fixture is located within a housing and that the support plate has a first coupling member on the support plate, which engages a second coupling member on the spindle. Given that the limitations in the body of the claim rely on structure from the preamble, the preamble is given meaning in the claim. Therefore, since the fixture is located in a housing and that a first coupling engages a second coupling on the spindle, the claimed combination of the machine tool and the apparatus for dislodging surface contaminants is allowable over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

The applicant amended the claim to positively recite the machine tool however, the claim does not include any limitations that state that the cleaning member must be connected to the spindle when cleaning a surface of the machine tool. The claim only states that the arbor is adapted to connect to the spindle. Therefore, the examiner has reconsidered the DREMEL reference as relevant prior art and a new rejection was made.

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Additionally, even if the applicant amends to the claims to state that the cleaning member is connected to the spindle when the cleaning the surface of the machine tool, the reference of Hess still applies. The Hess reference teaches a machine tool (drill rod) that has a spindle for receiving a cleaning member and a housing (pipe) that is spaced from the spindle. In use, the cleaning member contacts the housing to remove contaminates. There are no limitations as to the details of the housing or the machine tool and therefore, any machine tool that fits within and contacts the housing reads on the claim limitations.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shay L. Karls whose telephone number is 571-272-1268. The examiner can normally be reached on 7:00-4:30 M-Th, alternating F.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on 571-272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Shay L Karls
Patent Examiner
Art Unit 1744



GLADYS J. CORCORAN
SUPERVISORY PATENT EXAMINER